(5)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P. NO. 5434/1999

Petitioners : 1. Mohandal Chandrakar aged about 29 years s/o Shri Roshan Kumar Chandrakar, resident of Amit Medical Stores, Sindhi Colony, Dist. Durg, Madhya Pradesh.

2. Komal Singh Verma Aged about 28 years s/o Pyarelal Verma resident of Gram Post Habiba Tahsil Berla Dist. Durg Madhya Pradesh.

3. Bhikamlal Sinha aged about 29 years s/o Shivram Sinha resident of Gram Post Kesra Patan Dist. Durg, Madhya Pradesh.

4. Ishwarilal Sahu aged about 28 years s/o Rekhram Sahu resident of Gram Post Mahud, Tahsil Gundardevi Dist. Durg, Madhya Pradesh.

Vs.

RESPONDENTS R 1. State of Madhya Pradesh though Secretary Department of School Education Vallabh Bhawan, Bhopal, Madhya Pradesh.

R 2. The Jila Panchayat through the Chief Executive Officer, Durg, Madhya Pradesh,

R 3. The Collector, Durg.

WRIT PETITION UNDER ART. 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioners

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(101)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 5434/99 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10/4/2002

Shri P. Diwakar for the petitioners.

Shri Gautam Bhaduri, Govt. Advocate, for respondents no.1 and 3.

None for respondent no.2.

Heard.

Let rejoinder be taken on record.

With the consent of the parties, the matter is finally heard.

Learned counsel for the petitioners submitted that the petitioners were selected for Shiksha Karmi Grade-I in the subject Chemistry alongwith other persons of different subjects. In respect of other persons, appointments orders were issued but some complaint was made through Special Police Establishment (Lokayukt), which has seized the record. Meanwhile, the petitioners had filed a petition before the High Court of Madhya Pradesh bearing W.P. No.62/99 and the High Court of Madhya Pradesh vide its order dated 18/1/1999 directed the petitioners to file an

[पीछे देखिये

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 5434/99 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appeal before the Commissioner. Thereafter, the petitioners filed an appeal before the Commissioner, which was decided in favour of the petitioners vide order dated 5/4/1999. But they were not appointed on the pretext that the record was not received from the office of Lokayukt.

Shri Diwakar referred to the letter dated 7/1/2002 (Annexure-P/1), which goes to show that pursuant to some order passed by the Special Judge, Durg, record has been received on 5/1/2002.

It is also pointed out that in the contempt proceedings initiated in the High Court of M.P. vide contempt petition No.229/99 (Shiv Narayan Devangan vs. Dinesh Shrivastava and others), the High Court of M.P. has passed an order on 13/12/2001 that after receiving the photo copy of the record from the Lokayukt office the respondents shall comply the orders of the High Court and report the compliance on 15/1/2002. On 15/1/2002, the respondents had reported the compliance of the order. But in the case of

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(103)

आदेश पत्रक

मामला क्रमांक W.P. No. 5434/99 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the petitioners, no appointment orders have been issued till date.

Learned counsel for the petitioners has produced the copies of the aforesaid orders. Let that be filed properly.

Learned counsel for the petitioners further submitted that some contract appointments are being made and if the posts are filled, the petitioners might be deprived of the benefit.

Having considered the facts and circumstances and material available on record, it is directed that the cases of the petitioners shall be examined in the light of the orders passed including the one in contempt petition No.229/99 and they ~~shall~~ may be given appointment, if found fit.

Let that be done as early as possible preferably within three weeks.

In view of the above directions, this petition is disposed of at this stage with liberty to file afresh, in case any adverse order is passed.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (104)

आदेश पत्रक

W.P.No. 5434/99

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित – 4 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Certified photo copy as per rules and the photo copy of the order be supplied to the State Counsel. Sd/- Fakhruddin Judge	